

REASONS FOR DECISION TO EXERCISE POWER OF INTERVENTION

UNDER SECTION 20(4) OF THE PLANNING AND ENVIRONMENT ACT 1987

GREATER GEELONG PLANNING SCHEME AMENDMENT C207

The *Planning and Environment Act 1987*, the *Heritage Act 1995* and the *Victorian Civil and Administrative Tribunal Act 1998* provide for the intervention of the Minister for Planning in planning and heritage processes.

In exercising my powers of intervention, in accordance with the *Ministerial Powers of Intervention in Planning and Heritage Matters Practice Note*, I have agreed to:

- Make publicly available written reasons for each decision; and
- Provide a report to Parliament at least every twelve months detailing the nature of each intervention.

REQUEST FOR INTERVENTION

1. On 30 September 2009, the Greater Geelong City Council wrote to me requesting that I act as planning authority to expedite an amendment to the Greater Geelong Planning Scheme for the North East Industrial Precinct (NEIP), located in the Armstrong Creek Urban Growth Area.
2. The precinct developer consortium Keystone Group has also requested my assistance in relation to incorporating the Precinct Structure Plan (PSP) into the Greater Geelong Planning Scheme.

WHAT POWER OF INTERVENTION IS BEING USED?

3. I have decided to exercise my powers to exempt myself from all the requirements of sections 17, 18 and 19 of the *Planning and Environment Act 1987* (the Act) and the regulations in respect to Amendment C207 to the Greater Geelong Planning Scheme.
4. Section 20(4) of the Act enables the Minister for Planning to exempt an amendment which the Minister prepares from any of the requirements of sections 17, 18 and 19 of the Act or the regulations.
5. In seeking to exercise this power, section 20(4) of the Act requires that the Minister must consider that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

BACKGROUND

6. The Armstrong Creek Urban Growth Area, which is located on the southern edge of Geelong, is the primary growth corridor for future urban development in the Greater Geelong municipality. This growth area is the largest contiguous Government endorsed growth area in Victoria. It consists of 2,500 hectares of developable land. The Geelong/Surf Coast region is provincial Victoria's fastest growing area.
7. The Armstrong Creek Urban Growth Area:
 - is expected to accommodate approximately 22,000 households with a total population of 54,000 at full development.
 - will provide approximately 22,000 jobs, with 8,000 jobs in the North East Industrial Precinct and 7,350 jobs in the Western Industrial Precinct.
 - will provide a wide range of housing types and densities in an urban structure based on walkable neighbourhoods, public transport and mixed use activity centres.
 - will contain a comprehensive mix of housing types and 'price-points', from conventional dwellings on lots to smaller, lower maintenance homes, units and terraces for older people and young singles or couples, and from affordable houses and apartments for first home buyers to aged care facilities.
8. Amendment C138 to the Greater Geelong Planning Scheme included the Armstrong Creek Urban Growth Plan into the planning scheme in order to provide an overall framework for future development in the growth area. This amendment was gazetted on 4 December 2008 after a comprehensive consultation and independent panel hearing process.
9. Amendment C170 to the Greater Geelong Planning Scheme was also gazetted on 4 December 2008 and applied the Urban Growth Zone to the majority of land in the Armstrong Creek Framework Plan.
10. In summary Amendment C207:
 - amends clause 21.19 "Economic Development", clause 21.22 "Industry" clause 21.40 "Armstrong Creek Urban Growth Area" and clause 22.15 "Industrial Development - Design and Siting" to update the Municipal Strategic Statement.
 - rezones land within the Armstrong Creek North East Industrial Precinct area from part Public Use Zone 1, part Industrial 1 Zone and part Farming Zone to Urban Growth Zone.
 - inserts a new Schedule 1 to the Urban Growth Zone (UGZ1), and a new Schedule 1 to the Development Contributions Plan Overlay that will apply to the North East Industrial Precinct.
 - applies DCPO1 to implement levies contained within the North East Industrial Precinct Development Contributions Plan.

- deletes the Development Plan Overlay (DPO3) currently applying to the NEIP land, which has been superseded and currently prevents development of the land.
 - amends the Land Subject to Inundation Overlay (LSIO) within the North East Industrial Precinct area.
 - amends the Schedules to Clause 52.01 to reduce the open space contribution amount for land within the NEIP, amends the Schedule to Clause 52.16 to include the North East Industrial Precinct Native Vegetation Precinct Plan, the Schedules to Clause 61.03 to include DCPO map sheet and 81.01 to include the incorporated documents.
11. On 25 November 2009, I agreed to be planning authority for Greater Geelong Planning Scheme Amendment C207 and directed that targeted consultation be undertaken under section 20(5) of the Act. Relevant agencies, the Carter Group (key developer for the Western Employment Precinct) and all landowners within or adjoining the designated precinct area were notified and invited to make submissions.
 12. At the same time, I also established an Advisory Committee in accordance with section 151 of the Act to hear submissions and to provide advice on matters related to the proposed Amendment C207 and the associated Precinct Structure Plan for the North East Industrial Precinct.
 13. In response to the targeted consultation, 8 submissions were received on Amendment C207. These submissions were considered by the Advisory Committee at its hearings in February 2010.
 14. The report of the Advisory Committee was submitted to the Minister for Planning on 31 March 2010 and recommends that Amendment C207 be approved with changes.

BENEFITS OF EXEMPTION

15. The expedited approval of Amendment C207 will support the objectives of section 4 of the Act by providing for the fair, orderly, economic and sustainable use and development of land by facilitating the timely development of the subject land.
16. The expedited approval of Amendment C207 will allow the early development of the North East Industrial Precinct and thereby bring forward the employment and significant infrastructure expenditure associated with the construction phase of the project and provide a significant economic stimulus for the Geelong and Victorian economy.
17. The exemption will avoid duplication of process, given the public notification processes which have already occurred, initially with Amendment C138 and more recently with the exhibited draft Amendment C207 and associated draft PSP, including an advisory committee hearing and review.

18. During 2009 the precinct developer consortium and City of Greater Geelong Council undertook an informal consultation process with relevant landowners and agencies to inform the preparation of the draft PSP.
19. The targeted consultation and independent Advisory Committee hearing and review process during late 2009 and early 2010 provided the opportunity for affected landowners and agencies to have their views heard regarding Amendment C207 and the associated PSP. In practical terms, therefore, the effects on third parties are known and have been carefully considered.

ASSESSMENT AS TO WHETHER BENEFITS OF EXEMPTIONS OUTWEIGH EFFECTS ON THIRD PARTIES

20. The targeted consultation and Advisory Committee review process has supported the informal consultation process undertaken by Council in the preparation of the draft precinct structure plan and follows on from the public exhibition and independent panel review undertaken in the C138 Amendment process.
21. Consequently as a comprehensive consultation process has already been undertaken to inform the proposed amendment, it is appropriate to provide an exemption for Amendment C207.
22. Furthermore it is noted that the Advisory Committee has recommended that the amendment be approved and that the power of notice exemption under section 20(4) of the Act should be used to allow the amendment to be approved without further delay.
23. Accordingly I consider that the benefits of exempting myself from sections 17, 18 and 19 of the Act outweigh any effects of the exemption on third parties.

DECISION

24. I have decided to exercise my power to exempt myself from all the requirements of sections 17, 18 and 19 of the *Planning and Environment Act 1987* and the regulations in respect of Amendment C207 to the Greater Geelong Planning Scheme.

REASONS FOR INTERVENTION

25. In accordance with the Ministerial Powers of Intervention in Planning and Heritage Matters Practice Note, I provide the following reasons for my decision to exercise my power under section 20(4) of the Act.
26. I am satisfied that -

Compliance with any of the requirements of sections 17, 18 and 19 of the Act and the regulations is not warranted

because:

- Interested parties have had the opportunity to make submissions and be heard through extensive informal and targeted consultation already undertaken, including an independent Advisory Committee hearing and review process;

The interests of Victoria or any part of Victoria make such an exemption appropriate

because:

- The amendment facilitates the early development of the proposed industrial/business estate and the economic stimulus associated with the construction and infrastructure works in this key urban growth area.

A handwritten signature in black ink, appearing to read 'JMh', is written over the printed name and title of Justin Madden.

JUSTIN MADDEN MLC
Minister for Planning

Date: **25 MAY 2010**